

Existing law provides, with respect to the disposition of reports in cases of abuse and neglect, that the local child protection unit shall make one of the following determinations:

- (1) The child appears to be a child in need of care and his immediate removal is necessary, in which case, whenever such extraordinary justification arises, the agency shall apply for an instant removal order and notify the district attorney.
- (2) The report appears justified, in that there is evidence of child abuse, and a protective order would eliminate the need for removal, in which case the agency may apply for a temporary restraining order or protective order.
- (3) The report appears justified, in that there is evidence of child abuse or neglect, and the agency shall report all information to the district attorney no more than 30 days after such determination, to evaluate the need for a child in need of care petition.
- (4) The report does not appear justified as the evidence does not support a finding of child abuse or neglect.
- (5) The report appears to be false and that the reporter knowingly made a false report in which case all information shall be forwarded to the district attorney to decide if the evidence supports a finding of a false public report.

New law provides for an additional determination:

- (6) The report is inconclusive, in that the evidence tends to support a finding of abuse or neglect, but there is not enough information to confirm a justified report.

Existing law provides that when it is determined that the report does not appear justified, or appears to be false, all files, records, and pertinent information on the report shall be destroyed following the three-year federally mandated waiting period. Further provides for the records to be sealed during the three-year period and stripped of all identifying information, and only available to financial auditors. Provides for records to be maintained pending litigation or prosecution involving the records.

New law provides that if a report is determined to be inconclusive, the files, records, and information regarding the report and investigation shall remain unsealed and shall be kept and used exclusively by child protection investigators solely for evaluating the existence of a pattern of incidents in pending child abuse or neglect investigations.

New law provides that all information regarding an inconclusive report and investigation shall be strictly confidential and shall not under any circumstances be disclosed or ordered to be produced in conjunction with any proceeding. Provides that the information is maintained solely for purposes stated in new law. New law also makes the Dept. of Social Services responsible for the handling, disposition, maintenance, and storage of inconclusive reports.

New law provides that if information from an inconclusive report is used as part of the basis for a later, related, justified report, the inconclusive report shall become part of the justified report and shall no longer be a separate

report.

Effective August 15, 1999.

(Amends Ch.C. Arts. 615(B)(4) and (5) and (E) and 616(A)(2); Adds Ch.C. Art. 615(B)(6) and (F))